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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,782	03/29/2004	Sutherland Cook Ellwood JR.	20028-7003	9480
45623	7590 12/15/2005		EXAMINER	
PANORAM		RUDE, TIMOTHY L		
	T LAW OFFICES OF M	ART UNIT	PAPER NUMBER	
112 BARN ROAD TIBURON, CA 94920			2883	
			DATE MAILED: 12/15/200	5

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)					
0.55		10/811,782	ELLWOOD, SUTHERLAND COOK					
	Office Action Summary	Examiner	Art Unit					
		Timothy L. Rude	2883					
Period	The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
WH - Ex aft - If I - Fa Ar	HORTENED STATUTORY PERIOD FOR REICHEVER IS LONGER, FROM THE MAILING tensions of time may be available under the provisions of 37 CF or SIX (6) MONTHS from the mailing date of this communication NO period for reply is specified above, the maximum statutory perilure to reply within the set or extended period for reply will, by some yreply received by the Office later than three months after the remaining process of the set of t	G DATE OF THIS COMMUNICATION IN THE STATE OF THIS COMMUNICATION IN THE STATE OF THE	ON. timely filed om the mailing date of this communication. NED (35 U.S.C. § 133).					
Status								
1)[∑	Responsive to communication(s) filed on 1	11 April 2005						
2a)[	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.							
3)[	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
,	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Dispos	ition of Claims							
- 4)[∑	Claim(s) <u>1-66</u> is/are pending in the applica	ition	•					
7/12	4a) Of the above claim(s) is/are withdrawn from consideration.							
5)	5) Claim(s) is/are allowed.							
	6) Claim(s) is/are rejected.							
7) <u></u>								
·	Claim(s) <u>1-66</u> are subject to restriction and	Vor election requirement						
عارت	Totalin(o) <u>1 so</u> are subject to recurrence and	aron orocaem roquirements						
Applica	tion Papers							
9)[	The specification is objected to by the Exar	miner.						
10)[	The drawing(s) filed on is/are: a)	accepted or b) objected to by the	e Examiner.					
	Applicant may not request that any objection to	the drawing(s) be held in abeyance. S	See 37 CFR 1.85(a).					
	Replacement drawing sheet(s) including the co	rrection is required if the drawing(s) is	objected to. See 37 CFR 1.121(d).					
11)[	] The oath or declaration is objected to by th	e Examiner. Note the attached Office	ce Action or form PTO-152.					
Priority	under 35 U.S.C. § 119							
12)	Acknowledgment is made of a claim for for	eian priority under 35 U.S.C. § 119	(a)-(d) or (f).					
	a) All b) Some * c) None of:							
	1.☐ Certified copies of the priority docum	nents have been received.						
	2.☐ Certified copies of the priority docum		ation No.					
	<u> </u>	• •						
	3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).							
*	* See the attached detailed Office action for a list of the certified copies not received.							
dec the attached detailed diffice action for a list of the definited depice flot rederved.								
Attachme	• •							
1) Untice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date								
	(PTO-152) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper Nots/Mail Date							
	per No(s)/Mail Date	6) Other:	,					
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-13 and 27-40, drawn to an optical apparatus, classified in class
   385, subclass 6.
- II. Claims 14-26, drawn to a method of handling electromagnetic waves, classified in class 359, subclass 341.1+.
- III. Claims 41-66, drawn to computer products and signals, classified in class700, subclass 90+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have not been clearly discloses as being capable of being used together. Please note that invention I has numerous species subject to restriction (should invention I be elected), and inventions II and III are not clearly related to all the species of invention I. Therefore, it is not clear that inventions II and III can be used with any particular embodiment of invention I. Invention II is a broadly claimed invention to handling electromagnetic waves that is not at all dependent

upon any computer product or signal. Examiner considers inventions I, II, and III to all be unrelated inventions to such an extent that they are not even examinable by the same Art Unit.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Rude whose telephone number is (571) 272-2301. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/811,782

Art Unit: 2883

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

It. Rude

tlr

Timothy L Rude Examiner Art Unit 2883

Frank & Fort

Frank G. Font Supervisory Patent Examiner Technology Center 2800